

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) Gaylon Lee Mitchusson,)
(2) Lois Foster, and)
(3) Madaline M. Thompson,)
)
Plaintiffs,)
)
v.) Case No. CIV-10-1362-M
)
)
(1) Sheridan Production)
Company, LLC,)
)
Defendant.)

PLAINTIFFS' MOTION TO AMEND PARTIES
AND PERMIT WITHDRAWAL OF MADALINE THOMPSON
AS PLAINTIFF, NAMED CLASS MEMBER AND
PUTATIVE CLASS REPRESENTATIVE

Pursuant to LCvR7.1(k)(5) and LCvR7.1(l), Plaintiffs Gaylon Lee Mitchusson, Lois Foster and Madaline Thompson seek leave from the Court to amend the parties to this action to permit Plaintiff Madaline Thompson to withdraw as a plaintiff in the lawsuit, with her accompanying withdrawal as a named Class member and putative Class representative. In support of this Motion, Plaintiffs state as follows:

1. At the time Plaintiffs filed this action, they believed that Sheridan Production Co. (“Sheridan”) had purchased the Norge Marchand Unit and nearby non-unitized wells in Grady County, Oklahoma, where Madaline Thompson owned royalty interests, from EXCO Resources, Inc. (“EXCO”).
2. Plaintiffs have recently learned from Sheridan’s counsel that Sheridan does not own the Norge Marchand Unit and nearby non-unitized wells in Grady County,

Oklahoma, where Madaline Thompson owned royalty interests, due to EXCO having sold its interests in those wells to Encore Operating, L.P., instead.

3. Plaintiff Madaline Thompson is a royalty owner in the Norge Marchand Unit and in a nearby non-unitized well in Grady County, Oklahoma, but is not an owner in any of the Wells/Units owned by Sheridan. As such, she has no claim against Sheridan, is not a member of the putative Class, and cannot represent the putative Class.
4. No Scheduling Order has been entered in the case, and no deadline has therefore been established for amendment of the parties.
5. Sheridan does not object to this Motion.
6. A proposed Order is submitted herewith.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court permit Plaintiff Madaline Thompson to withdraw from this lawsuit, permit her withdrawal as a plaintiff, a named Class member and a putative Class representative. Plaintiffs further request that they be granted leave to amend the style of this action to reflect Madaline Thompson's withdrawal.

Respectfully submitted,

s/Robert N. Barnes

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2011, I electronically transmitted the attached document to the Clerk of Court, using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

C. Robert Stell
John J. Griffin, Jr.
Attorneys for Sheridan Production Co., LLC

s/Robert N. Barnes
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